

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

VICTORIA C. REDDICK

PLAINTIFF

VS.

CIVIL ACTION NO.:: 3:17-cv-530 DPJ-FKB

**SAINT DOMINIC HOSPITAL,
and JOHN DOES 1-10**

DEFENDANTS

PLAINTIFF'S MOTION TO AMEND COMPLAINT

Pursuant to Federal Rule of Civil Procedure 15, the Plaintiff, VICTORIA C. REDDICK, files her Motion to Amend Complaint, stating as follows:

1. On April 25, 2018, St. Dominic filed its Motion for Partial Dismissal and Memorandum Brief in Support of same. [Docs. # 20, 21] St. Dominic alleged that Plaintiff's state law claims are barred by Mississippi's Workmens' Compensation laws. Id. Saint. Dominic also argued that the complaint failed to state a claim for which relief could be granted with respect to Plaintiff's discrimination claim that was allegedly based on gender. Id.

2. Plaintiff concedes that the state law claims are barred by Mississippi's Workmens' Compensation law. However, with respect to the discrimination claim, Plaintiff avers that her EEOC Charge of Discrimination clearly indicates that her discrimination claims were based on sexual harassment and retaliation. (See Charge of Discrimination, attached hereto as Exhibit "A")

3. Therefore, any deficiencies regarding the discrimination claim were errors that can be amended and should be amended to properly state such a claim. Such an amendment would simply involve inserting averments that make clear that the Plaintiff seeks redress for actions taken against her that constitute sexual harassment and retaliation. A copy of the proposed Amended Complaint is attached hereto as Exhibit "B."

5. In addition to this Motion and exhibits attached hereto, Plaintiff also relies on her Memorandum Brief in Support of Her Motion to Amend Complaint which is filed contemporaneously with this Motion.

6. Based on the above, this Court should grant Plaintiff's Motion for Leave to File Her First Amended Complaint.

7. Undersigned counsel submits that this motion is not being requested to harass, cause undue delay, exhibit bad faith, or any other reason not permitted by the Federal Rules of Civil Procedure, Mississippi Rules of Professional Conduct, or other applicable law.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that this honorable court issue its order granting the Plaintiff ten (10) days from the date the court executes the order to file the Amended Complaint, holding the Defendant's Motion for Partial Dismissal in abeyance, and for such other, further, and different relief to which she may be entitled under the premises.

RESPECTFULLY SUBMITTED, this 23rd day of May, 2018.

VICTORIA C. REDDICK, PLAINTIFF

BY: Ottowa E. Carter Jr.
OTTOWA E. CARTER, JR. (MSB # 8925),
Her Attorney

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Lauren O. Lawhorn, Esquire
Stephen Carmody, Esquire
BRUNINI
P. O. Drawer 119
Jackson, MS 39205

So certified, this 23rd day of May, 2018.

By: /s/ **Ottowa E. Carter, Jr.**
Ottowa E. Carter, Jr.